REMARKS

Upon entry of the present Amendment the Claims under consideration are 1-20. Claims 21-23 have been withdrawn as directed to a nonelected embodiment. Applicants have hereby amended independent Claim 1 and dependent Claims 2, 3, 8-13, 17 and 18 to more clearly state the nature of the invention, or to retain consistency of antecedent basis throughout the claims and correct typographical errors. The specification at page 14 has further been amended commensurate with the claims. No new matter has been added.

The Detailed Action of 28 January 2004 will now be addressed with reference to the headings and any paragraph numbers therein.

Election/Restrictions

Applicants affirm the provisional election of Group I, Claims 1-20.

Claim Rejections -35 USC §112

Per paragraph 7 of the Detailed Action, Claims 1-20 stand rejected as indefinite because it is considered unclear what is taken to be a sheath of a multicomponent filament when the filament is a side-by-side filament. As suggested by the Examiner's remarks, Applicants have amended the Claims to recite that at least one polymer of the multicomponent filaments (defined at page 7 of the specification) is softened (or fully activated). The specification at page 14 has further been amended commensurate with the claims as an aid to understanding the invention. It is believed that all of the present rejections have been obviated.

Claim Rejections -35 USC §103

Per paragraph 9 of the Detailed Action, Claims 1-19 stand as obvious over

PCT Application WO 00/29658 (hereinafter WO '658) in view of Jackson *et al.* (U.S. Patent 5,350,370, hereinafter Jackson).

It is the contention of the Detailed Action that WO '658 teaches most of the present invention as claimed except for limitations b) and e) of independent Claim 1, i.e.:

b) introducing absorbent particles via a second air stream into the fiber distribution unit at a point above a divergence zone of the mass of filaments in the fiber distribution unit; and

e) densifying the softened mass of filaments and the absorbent particles.

The Detailed Action then asserts that:

> "However, since it is conventional in the art to form a spun-bonded filaments (sic) using a spinneret having a fiber distribution unit wherein the fiber distribution unit includes a divergent zone where the filaments have substantially cooled (i.e. non-tacky) in this zone; and since it is common to combine stream (sic) of absorbent materials to extruded fibers while the fibers are still hot and tacky so that they readily bond together, such would have been obvious in the art [of] making the spun-bonded filaments taught by WO '658. Moreover, it would have been an obvious expediency in the art to introduce absorbent material above a divergent zone so as to ensure that, the filaments are still hot and tacky as the absorbent material is combined with the filaments." (Detailed Action at page 5.)

With respect to this assertion it is apparent that the present invention has been appropriated to construct a tenuous logic between unsupported characterizations of the art and the pre-ordained conclusion of obviousness attached thereto. The conclusion of obviousness is a bald assertion unsupported by the art and a *post hoc* rationalization made with the present invention firmly in mind. Therefore, a proper *prima facie* case of obviousness has not been made.

It is noted that the Detailed Action provides no citation to a suggestion within the references concerning the need for the specifically claimed method of the present invention. Rather, there appears to be only the bald assertion that the sum total of the prior art adds up to creating an "obvious expediency" for practicing the present invention. In constructing this impermissible *post hoc* conclusion of obviousness, the Examiner further appears to have confused the binding of the absorbents and fibers (the purported rationale of obviousness) and the mixing of the ingredients to achieve an even distribution (as per the present invention).

Further, while WO'658 generically suggests using "still hot and tacky" meltblown fibers in conjunction with a stream of spunbond fibers and a stream of absorbent material (page 11, last full para.), no suggestion of the need for, or the attaining of, a superior evenness of distribution of materials is taught by WO'658, especially by commingling in the fiber distribution unit at a point above a divergence zone of the mass of filaments, as required by the independent Claim 1 (and all dependent Claims). Indeed, no attention to the specifics of fiber distribution unit airflow, fiber-flow, or functionality are found within WO'658 to support a reasonable conclusion of obviousness against the present invention. As seen at the first paragraph of its page 10, WO'658 provides a variety of alternatives for combining the absorbent material and the thermoplastic fibers.

For all the foregoing reasons, a *prima facie* case of obviousness has not been made by the Detailed Action and the present rejections of Claim 1 and all claims dependent therefrom must be withdrawn.

Specifically with respect to Claim 8, the Detailed Action asserts that the

claimed functional group components are "conventional in the art". Assuming without conceding that the assertion is factual, the mere fact that other multicomponent fibers may share certain materials at some generic level of consideration should not allow for a conclusion of obviousness. Extensive discussion in the specification makes clear that the exemplary and claimed embodiments of the invention are designed to solve specific problems by providing specifically enhanced functionalities through the claimed arrangement of parts. Thus, a conclusion of obviousness can not be drawn to the invention as a whole merely because a component part thereof is conventional in the art.

For all the foregoing reasons, the Claims as presently amended are believed to be allowable over the art of record. A notice to that effect is earnestly solicited.

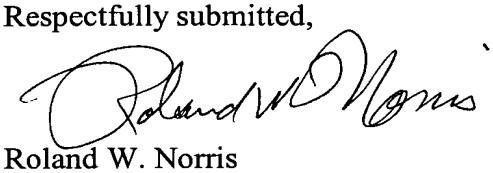
Request For Telephonic Interview

Clearly, there are differences between the present invention and the cited reference(s) involving patentable subject matter. These differences are believed by the Applicants to be properly defined in the present Claims. The Examiner is requested to call

Applicants' attorney (per the provisions of M.P.E.P. § 713) to discuss any further problems or suggest solutions in defining the present invention in order to expedite the case towards allowance before issuing a final Office Action.

Favorable consideration is requested.

Respectfully submitted,



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